

1 DANIEL J. BERGESON, Bar No. 105439
dbergeson@be-law.com
2 MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
3 DONALD P. GAGLIARDI, Bar No. 138979
dgagliardi@be-law.com
4 JOHN W. FOWLER, Bar No. 037463
jfowler@be-law.com
5 BERGESON, LLP
303 Almaden Boulevard, Suite 500
6 San Jose, CA 95110-2712
Telephone: (408) 291-6200
7 Facsimile: (408) 297-6000

8 Attorneys for Plaintiff
VERIGY US, INC.
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 VERIGY US, INC, a Delaware Corporation

14 Plaintiff,

15 vs.

16 ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
17 TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
18 California Limited Liability Corporation,
inclusive,

19 Defendants.
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Case No. C07 04330 RMW (HRL)

**DECLARATION OF JOHN W. FOWLER IN
OPPOSITION TO WESLEY MAYDER'S
MOTION FOR RULE 11 SANCTIONS**

Date: July 18, 2008

Time: 9:00 am

Ctrm.: 6

Judge: Hon. Ronald M. Whyte

Complaint Filed: August 22, 2007

Trial Date: December 15, 2008

1 I, John W. Fowler, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California and admitted to practice in this court. I am a Partner with the law firm of Bergeson,
4 LLP, counsel of record for Plaintiff, Verigy US, Inc. ("Verigy") in the above-captioned action. I
5 have personal knowledge of the facts set forth in this declaration, and, if called to do so, I could
6 and would competently testify thereto.

7 2. I signed the Complaint (Docket No. 1) in the above-captioned action. To the best
8 of my knowledge, information and belief, formed after an inquiry reasonable under the
9 circumstances, (a) the Complaint against Wesley Mayder was not presented for any improper
10 purpose, (b) the claims and legal contentions of the Complaint against him were warranted in my
11 mind by existing law and I believed that the factual contentions had evidentiary support or were
12 likely to have evidentiary support after a reasonable opportunity for further investigation or
13 discovery.

14 3. My investigation into whether Wesley Mayder was liable for the acts alleged in the
15 complaint included the following:

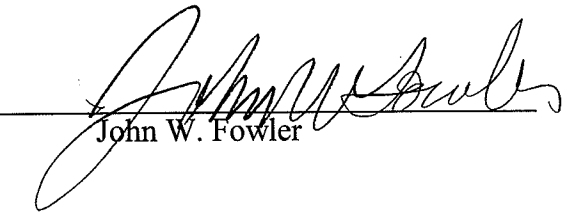
- 16 a. My interviews of Romi Mayder's supervisors at Verigy regarding Romi's
17 statements to them regarding his plan to go into a real estate business with
18 his older brother, Wesley.
- 19 b. My review of documents obtained from the California Secretary of State
20 and the Internet regarding the two STS businesses as well as Wesley
21 Mayder's businesses, which show the same street address for STS, Inc. and
22 Wesley Mayder's businesses.
- 23 c. Interview of Robert Pochowski and review of documents produced by him
24 indicating Wesley Mayder's active participation in STS, LLC.

25 4. I concluded, based on my investigation, that there was a basis in fact for the
26 allegations regarding Wesley Mayder's liability in the complaint. Accordingly, I recommended,
27 and my client concurred with, the naming of Wesley Mayder as a defendant.

1 5. I also based my recommendation to name Wesley Mayder on my knowledge of
2 existing law as well as my experience litigating questions of conspiracy, joint venture liability,
3 partner liability, vicarious liability and *alter ego* liability for over four decades while representing
4 parties alleging and defending against similar allegations. In addition, I reviewed legal
5 publications regarding the factors to be considered for *alter ego* liability.

6 6. I also believed at the time I signed the Complaint that actual discovery against the
7 defendants and our investigation would continue to uncover further evidence of Wesley Mayder's
8 liability. Some of this evidence has already turned up in documents and testimony produced by
9 the Mayder brothers themselves, and authenticated by them in deposition testimony.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct and that this declaration was executed this 11th day of July 2008 at
12 San Jose, California.

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15 John W. Fowler
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